

EXHIBIT A

LEGAL DEPT

KRUMHOLZ DILLON, PA
Attorneys at Law
574 Summit Avenue, Suite 402
Jersey City, NJ 07306
(201) 656-5232
(201) 656-7270 (Fax)

RECEIVED

JAN 29 2019 PM 6:49

LEKEYSHA ALSTON-PAGE,

Plaintiff

SUPERIOR COURT OF NEW JERSEY
COUNTY OF BERGEN
LAW DIVISION

vs.

DOCKET NO.: BER-L-556-19

STATE OPERATED SCHOOL DISTRICT
FOR THE CITY OF PATERSON, a body
corporate and politic, and MONICA
FLOREZ, individually

CIVIL ACTION

Defendant

SUMMONS

From the State of New Jersey
To the Defendants named above:

State Operated School District for the City of Paterson, a body corporate and politic

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN 971, Trenton, NJ 08625. A filing fee* payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the Court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages, or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these office is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

DATED: January 23 2019.

MICHELLE M. SMITH, ESQ.
SUPERIOR COURT CLERK

NAME OF DEFENDANT TO BE SERVED:

State Operated School District for the City of Paterson, a body corporate and politic

Address of the Defendant to be served:

90 Delaware Avenue

Paterson, NJ 07503

* \$105.00 For Chancery Division Cases or

\$110.00 For Law Division Cases

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Paula M. Dillon, Esq. #001691992
GOLDMAN DAVIS KRUMHOLZ & DILLON, PC
574 Summit Avenue, Suite 402
Jersey City, NJ 07306
(201) 656-5232
Attorneys for Plaintiff

LEKEYSHA ALSTON-PAGE,
Plaintiff

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

COUNTY OF BERGEN

vs.

DOCKET NO.:

STATE OPERATED SCHOOL DISTRICT
FOR THE CITY OF PATERSON, a body
Corporate and Politic, and MONICA
FLOREZ, individually,

CIVIL ACTION

Defendant(s)

COMPLAINT AND JURY DEMAND

Plaintiff, Lekeysha Alston-Page, residing at 430 Washington Avenue, 2nd Floor,
Hackensack, NJ 07601, complaining of the Defendants, says:

FIRST COUNT DISABILITY DISCRIMINATION

1. Plaintiff, Lekeysha Alston-Page, is a 41 year old female who was employed by defendant Paterson Public Schools for approximately 14 years, from approximately April 2004 until the termination of her employment on or about October 15, 2018.
2. Defendant, State Operated School District for the City of Paterson, a body corporate and politic, located at 90 Delaware Avenue in Paterson, New Jersey, was at all times relevant to the within matter, plaintiff's "employer" as that term is defined under the New Jersey Law Against Discrimination (NJ LAD), N.J.S.A. 10:5-1 *et seq.*
3. Individual defendant, Monica Florez, was at all times relevant to the within matter, the Principal of P.S. #30/Martin Luther King Jr. Educational Complex located at 851 E. 289th St., in Paterson, New Jersey.

4. Ms. Alston-Page was employed by defendant as a Para Professional and Character Education Teacher and performed her job in accordance with the expectations of her employer.
5. The last assignment Ms. Alston-Page had for the 2018-2019 school year was working at the Dr. Martin Luther King Elementary School (school #30) located at 851 E. 28th Street in Paterson, New Jersey.
6. In the Spring of 2017, Plaintiff underwent shoulder surgery as result of a car accident in June 2016 where she sustained injuries to her neck, back and leg and herniated discs.
7. In September 2017, Ms. Alston-Page was given a 504 ADA accommodation which involved a transfer from the Panther Academy, a high school, to School #30, after suffering from anxiety attacks due to the exposure to rats in that building.
8. On or about September 6, 2018, Plaintiff was given a new assignment at School #30 as a one-on-one Personal Aide to a five year old male autistic student with significant behavioral issues, who on the first day of the assignment and thereafter, was physically aggressive toward Ms. Alston-Page which required physically restraining the child at times, and for which Plaintiff had not been properly trained.
9. Ms. Alston Page made several documented complaints to the school district, including but not limited to the Chief Special Education Officer Cheryl D. Coy, Principal Monica Florez, and union representative Charles Ferrer, about her assignment and Plaintiff's belief that she was not properly trained to work as an aide to an autistic child, and that her continued exposure to this child was causing her physical and emotional harm.
10. On or about September 12, 2018, Plaintiff requested a transfer to another position in the district.
11. Ms. Alston-Page not only suffered physical injuries when she was bitten, scratched, spit at, and kicked by the child, which required a tetanus shot, but Plaintiff alleges she was improperly reprimanded on or about September 20, 2018, about a situation involving this same child, shortly after one of her complaints.

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12. On or about September 25, 2018, Plaintiff filed a grievance regarding her assignment to work with autistic student N.B. and stated that she had been "traumatized by the continuous assault experience every day..."
13. On or about September 25, 2018, Plaintiff sought treatment at the Immedicenter in Totowa, New Jersey, with complaints of scratches received at work by a student and was given a tetanus booster at that time.
14. Plaintiff returned to the Immedicenter on September 27, 2018, and again on October 1, 2018 at which time she complained of additional scratches and kicking from her student.
15. On or about October 4, 2018, Ms. Alston-Page was taken by ambulance to St. Joseph's Hospital and placed out of work until October 15, 2018.
16. On or about October 8, 2018, Plaintiff's doctor completed a 504 ADA Accommodation request which included a transfer from the assignment with triggering abusive exposures, as the then current assignment, would cause cardiovascular and neurologic complications, from hypertension and cervical radiculopathy.
17. On or about October 10, 2018, Ms. Alston-Page was provided with a return to work note effective October 15, 2018 which she forwarded to the Union and the school, at which time she again inquired about an accommodation given her medical condition.
18. On or about October 11, 2018, Ms. Alston-Page was required to undergo an evaluation or fitness for duty exam, with a doctor for the school district, Dr. Scott Coleman of Immedicenter Totowa, where Plaintiff complained of of anxiety symptoms manifested as chest pain, difficulty breathing, palpitations, elevated blood pressure, headaches, etc., as well as, physical strain stemming from pre-existing chronic neck and lower back pain due to herniated discs in both regions. Dr. Coleman opined that Ms. Alston-Page had difficulty "both physically and mentally" with her job (as a Personal Assistant for NB), and recommended that the ideal solution would be for Ms. Alston-Page to be "...transfer[red] to another school..."
19. At this time, Ms. Alston-Page also underwent an evaluation with her own doctor, Dr.

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- Marissa Ferrazzo-Weller, who agreed that Plaintiff's assignment should be changed.
20. On or about October 15, 2018, Ms. Alston-Page was informed that the Paterson Public Schools would not accommodate Plaintiff's request for an accommodation which involved a transfer to another assignment.
 21. The plaintiff suffered from serious medical conditions relating to anxiety, high blood pressure, and herniated discs in the neck and lower back which required medical treatment and time out from work and which constituted mental and physical disabilities which are recognized as such under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-4.1 *et. seq.*.
 22. Plaintiff was retaliated against and subject to an adverse employment action when defendants failed to accommodate plaintiff's request for a transfer to another facility and ultimately terminated her employment, and that such conduct constituted Disability Discrimination in violation of the plaintiff's rights under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-4.1 *et. seq.*, N.J.S.A. 10:5-4.1 *et. seq.*
 23. That as a result of the actions of the defendant(s) as aforesaid, plaintiff was caused to sustain a loss of employment and income and was caused to sustain emotional and psychological distress and harm, embarrassment and a continuous and permanent interference with the prospect of future economic advantage and with the ability to obtain future employment.

WHEREFORE, plaintiff demands judgment against any and all of said defendants, jointly and individually, for harm suffered as a result of defendants Disability Discrimination in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-4.1 *et. seq.* as follows: an award of compensatory damages, including but not limited to, back pay and benefits, front pay and benefits, consequential damages, punitive damages, emotional distress damages, equitable relief, prejudgment interest, attorney fees, cost of suit, and expenses with an appropriate enhancement under *Rendine v. Pantzer*, 141 N.J. 292 (1995), on this Count of the Complaint.

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SECOND COUNT
FAILURE TO ACCOMMODATE

Plaintiff repeats the allegations in the previous Count of the Complaint and incorporates same herein by reference and further says:

23. The Plaintiff, Lekeysha Alston-Page, suffered from serious medical conditions relating to anxiety, high blood pressure, and herniated discs in the neck and lower back which required medical treatment and time out from work and which constituted mental and physical disabilities which are recognized as such under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-4.1 *et. seq.*
24. The Plaintiff submitted medical documentation from her own doctor, as well as a fitness for duty exam, which requested an accommodation that included a transfer to another classroom due to the physical and emotional strain on the Plaintiff, due to her placement with a child with significant behavioral issues for which she had never been trained.
25. That the request to for transfer amounted to a request for an accommodation based on Plaintiff's disabilities relating to anxiety disorder and herniated discs.
26. That the defendants failed to place the Plaintiff in another classroom after over 14 years with the school district, and did terminate the plaintiff's employment which constituted a failure to accommodate as a form of disability discrimination in violation of the New Jersey LAD, N.J.S.A. 10:5- 1 *et.seq.*
27. The plaintiff had been performing her job at a level that met her employer's expectations although she requested a reasonable accommodation.
28. The plaintiff suffered from serious medical conditions relating to anxiety, high blood pressure, and herniated discs in the neck and lower back which required medical treatment and time out from work and which constituted mental and physical disabilities for which she requested an accommodation in the form of a transfer to another classroom, and which constitutes a request for an accommodation under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-4.1 *et. seq.*

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29. That as a result of the actions of the defendant(s) as aforesaid, plaintiff was caused to sustain a loss of employment and income and was caused to sustain emotional and psychological distress and harm, embarrassment and a continuous and permanent interference with the prospect of future economic advantage and with the ability to obtain future employment.

WHEREFORE, plaintiff demands judgment against any and all of said defendants, jointly and individually, for harm suffered as a result of defendant's failure to accommodate as a form of Disability Discrimination in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et. seq.* as follows: an award of compensatory damages, including but not limited to, back pay and benefits, front pay and benefits, consequential damages, punitive damages, emotional distress damages, equitable relief, prejudgment interest, attorney fees, cost of suit, and expenses with an appropriate enhancement under *Rendine v. Pantzer*, 141 N.J. 292 (1995), on this Count of the Complaint.

THIRD COUNT
NEW JERSEY LAW AGAINST DISCRIMINATION
AIDING AND ABETTING

Plaintiff repeats the allegations in the previous Counts of the Complaint and incorporates same herein by reference and further says:

30. Individual defendant, Monica Florez, is employed by the defendant as the Principal of School #30/MLK and a Supervisor of the Plaintiff and a member of upper management with the authority to fire employees and control the Plaintiff's workplace.
31. Upon information and belief, defendant Monica Florez terminated and or recommended the termination of the Plaintiff from her employment on or about October 15, 2018.
32. The acts of the individual defendant Monica Florez as described herein was committed within the scope of her employment.
33. Defendant State operated School District for the City of Paterson, a body corporate and politic, delegated to individual defendant Monica Florez, the supervisory authority to control the Plaintiff's workplace.

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34. Defendant Monica Florez abused the authority delegated by defendant when she retaliated against the Plaintiff and altered the Plaintiff's workplace by terminating her employment based on her Disabilities and/or Request for an Accommodation, in violation of the NJ Law Against Discrimination., N.J.S.A. 10:5-1 *et seq.*
35. By engaging in this course of unlawful conduct, Monica Florez, knowingly gave substantial assistance and/or encouragement to defendant in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-4.1 *et seq.*
36. By virtue of the acts set forth in this complaint, defendant Monica Florez aided and abetted and/or attempted to aid and abet unlawful discrimination in violation of Plaintiff's rights secured under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et seq.*
37. That as a result of the actions of the defendant(s) as aforesaid, plaintiff was caused to sustain a loss of employment and income and was caused to sustain emotional and psychological distress and harm, embarrassment and a continuous and permanent interference with the prospect of future economic advantage and with the ability to obtain future employment.

WHEREFORE, plaintiff demands judgment against any and all of said defendants, jointly and individually, for harm suffered as a result of defendant's disability discrimination violation of the NJ Law Against Discrimination, N.J.S.A. 10:5-1 *et seq.* as follows: an award of compensatory damages, including but not limited to, back pay and benefits, front pay and benefits, consequential damages, punitive damages, emotional distress damages, equitable relief, prejudgment interest, attorney fees, cost of suit, and expenses with an appropriate enhancement under *Rendine v. Pantzer*, 141 N.J. 292 (1995), on this Count of the Complaint.

JURY DEMAND

Plaintiff hereby demands trial by jury on all issues herein pursuant to R.1:8-2(b) and R.4:35-1(a).

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

PURSUANT to R.4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payment made to satisfy the Judgment. If so, please attach a copy of each, or in the alternative state, under oath and certification: (a) policy number; (b) name and address of insurer; (c) inception and expiration date; (d) names and addresses of all person insured thereunder; (e) personal injury limits; (f) property damage limits; and (g) medical payment limits.

DEMAND FOR DOCUMENTS TO WHICH ANSWER REFERS

Pursuant to Rule 4:18-2, Plaintiff hereby demands that Defendant produce copies of each and every document or paper to which the Answer refers within five days after service of the Answer.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Paula M. Dillon is hereby designated as trial counsel for Plaintiff in the within matter.

CERTIFICATION OF NO OTHER ACTIONS

Pursuant to R.4:5-1, it is hereby certified that, to the best of our knowledge and belief, the matter in controversy is not the subject of any other action pending in any other Court or of a pending Arbitration proceeding. Also, to the best of our knowledge and belief, no other action or Arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, at the present time we know of no other parties that should be joined in this action. In addition, we recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

CERTIFICATION REGARDING PERSONAL IDENTIFIERS

Pursuant to Rule 1:38-7(c), I certify that confidential personal identifiers have been redacted from documents now submitted to the Court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(c).

NOTICE REGARDING NON-DESTRUCTION OF EVIDENCE

Please be advised and noticed that the Defendants should refrain from destroying, disposing or altering any potential evidence in its possession which would relate in any way to this matter.

Please also be advised and noticed that this includes any and all electronic records, including but not limited to the hard drives on any and all computers and/or servers. To that end:

- A. The Defendant(s) should not initiate any procedures which would alter any active, deleted, or fragmented files. Such procedures may include, but are not limited to: storing (saving) newly created files to existing drives and diskettes; loading new software, such as application programs; running data compression and disk defragmentation (optimization) routines; or the use of utility programs to permanently wipe files, disks or drives.
- B. The Defendant(s) should stop any rotation, alteration, and/or destruction of electronic media that may result in the alteration or loss of any electronic data. Backup tapes and disks should be pulled from their rotation queues and be replaced with new tapes.
- C. The Defendant(s) should not alter and/or erase active files, deleted files, or file fragments, on any electronic media storage devices replaced due to failure, upgrade, and/or lease expiration that may contain electronic data having any relation to this matter.
- D. The Defendant(s) should not dispose of any electronic media storage devices replaced due to failure, upgrade, and/or lease expiration that may contain electronic data having any relation to this matter.

GOLDMAN DAVIS KRUMHOLZ DILLON, P.A.
Attorneys for Plaintiff


PAULA M. DILLON

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Civil Case Information Statement

Case Details: BERGEN | Civil Part Docket# L-000556-19

Case Caption: ALSTON-PAGE LEKEYSHA VS STATE
OPERATED SCHOOL D

Case Initiation Date: 01/22/2019

Attorney Name: ALAN L KRUMHOLZ

Firm Name: KRUMHOLZ DILLON, PA

Address: 574 SUMMIT AVENUE SUITE 402

JERSEY CITY NJ 07306

Phone:

Name of Party: PLAINTIFF : Alston-Page, Lekeysha

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Employer/Employee

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

01/22/2019

Dated

/s/ ALAN L KRUMHOLZ

Signed

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BERGEN COUNTY COURTHOUSE
SUPERIOR COURT LAW DIV
BERGEN COUNTY JUSTICE CTR RM 415
HACKENSACK NJ 07601-7680

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (201) 221-0700
COURT HOURS 8:30 AM - 4:30 PM

DATE: JANUARY 22, 2019
RE: ALSTON-PAGE LEKEYSHA VS STATE OPERATED SCHOO L D
DOCKET: BER L -000556 19

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON ESTELA M. DE LA CRUZ

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 003
AT: (201) 527-2600.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: ALAN L. KRUMHOLZ
KRUMHOLZ DILLON, PA
574 SUMMIT AVENUE
SUITE 402
JERSEY CITY NJ 07306

ECOURTS

NJ SUPERIOR COURT LAWYER REFERRAL AND LEGAL SERVICE LIST**ATLANTIC COUNTY:**

Deputy Clerk, Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., 1st Fl.
Atlantic City, NJ 08401
LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

ESSEX COUNTY:

Deputy Clerk, Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr.
Blvd.
Newark, NJ 07102
LAWYER REFERRAL
(973) 622-6204
LEGAL SERVICES
(973) 624-4500

MONMOUTH COUNTY:

Deputy Clerk, Superior Court
Court House
P. O. Box 1269
Freehold, NJ 07728-1269
LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

SUSSEX COUNTY:

Deputy Clerk, Superior Court
Sussex County Judicial
Center
43-47 High Street
Newton, NJ 07860
LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

BERGEN COUNTY:

Deputy Clerk, Superior Court
Civil Division, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601
LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

GLOUCESTER COUNTY:

Deputy Clerk, Superior Court
Civil Case Management Office,
Attn: Intake, First Fl., Court
House
1 North Broad Street
Woodbury, NJ 08096
LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

MORRIS COUNTY:

Morris County Courthouse
Civil Division
Washington & Court Streets
P. O. Box 910
Morristown, NJ 07963-0910
LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

UNION COUNTY:

Deputy Clerk, Superior Court
1st Floor, Court House
2 Broad Street
Elizabeth, NJ 07207-6073
LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

BURLINGTON COUNTY:

Deputy Clerk, Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Road
Mt. Holly, NJ 08060
LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088

HUDSON COUNTY:

Deputy Clerk, Superior Court
Civil Records Dept.
Brennan Court House, 1st Floor
583 Newark Avenue
Jersey City, NJ 07306
LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

OCEAN COUNTY:

Deputy Clerk, Superior Court
Court House, Room 121
118 Washington Street
P.O. Box 2191
Toms River, NJ 08754-2191
LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

WARREN COUNTY:

Deputy Clerk, Superior Court
Civil Division, Court
House
413 Second Street
Belvidere, NJ 07823-1500
LAWYER REFERRAL
(908) 859-4300
LEGAL SERVICES
(908) 475-2010

CAMDEN COUNTY:

Deputy Clerk, Superior Court
Civil Processing Office
Hall of Justice
1st Fl, Suite 150
101 South 5th Street
Camden, NJ 08103
LAWYER REFERRAL
(856) 482-0618
LEGAL SERVICES
(856) 964-2010

HUNTERDON COUNTY:

Deputy Clerk, Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822
LAWYER REFERRAL
(908) 236-6109
LEGAL SERVICES
(908) 782-7979

PASSAIC COUNTY:

Deputy Clerk, Superior Court
Civil Division - Court House
77 Hamilton Street
Paterson, NJ 07505
LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 523-2900

CAPE MAY COUNTY:

Deputy Clerk, Superior Court
9 N. Main Street
Cape May Court House, NJ
08210
LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

MERCER COUNTY:

Deputy Clerk, Superior Court
Local Filing Office, Courthouse
175 S. Broad Street
P. O. Box 8068
Trenton, NJ 08650
LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

SALEM COUNTY:

Deputy Clerk, Superior Court
Attn: Civil Case Management
Office
92 Market Street
Salem, NJ 08079
LAWYER REFERRAL
(856) 935-5629
LEGAL SERVICES
(856) 691-0494

CUMBERLAND COUNTY:

Deputy Clerk, Superior Court
Civil Case Management Office
60 West Broad Street
P. O. Box 10
Bridgeton, NJ 08302
LAWYER REFERRAL
(856) 696-5550
LEGAL SERVICES
(856) 691-0494

MIDDLESEX COUNTY:

Deputy Clerk, Superior Court
Middlesex Vicinage
Second Floor, Tower
56 Paterson Street
P. O. Box 2633
New Brunswick, NJ 08903-2633
LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

SOMERSET COUNTY:

Deputy Clerk, Superior Court
Civil Division Office
40 North Bridge Street
P. O. Box 3000
Somerville, NJ 08876
LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

EXHIBIT B

Charles Yuen

From: djackson dljlawgroup.com <djackson@dljlawgroup.com>
Sent: Tuesday, March 30, 2021 5:32 PM
To: Charles Yuen
Cc: kkasiborski dljlawgroup.com; djackson dljlawgroup.com
Subject: Amended Complaint
Attachments: Amended Complaint.pdf

Charles,

Please accept this as service of the amended complaint. This is the same amended complaint that was filed in this matter and included in the Plaintiff's exhibits for summary judgment.

Please confirm.

Desha Jackson, Esq.

Desha Jackson Law Group LLC, Attorney-At-Law



Office :7324146663 | Direct: 5868632683
200 Daniels Way, Suite 200
Freehold, NJ 07728
djackson@dljlawgroup.com
<http://www.dljlawgroup.com>

From: Charles Yuen <cyuen@cyuen-law.com>
Sent: Wednesday, March 24, 2021 4:30 PM
To: djackson dljlawgroup.com <djackson@dljlawgroup.com>
Cc: kkasiborski dljlawgroup.com <kkasiborski@dljlawgroup.com>
Subject: RE: Emails

Actually, to be clear, I indicated that the amended complaint was not served. It was filed under the previous docket number one day before I filed the answer to the served complaint, but we never saw the amended complaint. At the time it was filed we had not yet appeared and so we did not get any automatic EService. Appearance follows the filing of an answer. Prior counsel might have assumed we got EService but that was not the case and I didn't see that it had been filed until we started preparing for the summary judgment motion and just happenstance read the prior docket

sheet. Prior counsel, if she thought it had been EServed, might have at least sent us a "courtesy copy" especially as time went by and she saw that no answer was filed.

From: djackson dljlawgroup.com <djackson@dljlawgroup.com>
Sent: Wednesday, March 24, 2021 4:06 PM
To: Charles Yuen <cyuen@cyuen-law.com>
Cc: kkasiborski dljlawgroup.com <kkasiborski@dljlawgroup.com>
Subject: Re: Emails

Ok. Yes I remember. You indicated that the complaint we used wasn't filed. I will look at the one we submitted with the summary Judgement opposition.

Desha Jackson, Esq.
Desha Jackson Law Group, LLC.
200 Daniels Way, Suite 200
Freehold, New Jersey, 07728
Phone: 732-414-6663
Fax: 732-414-6660
djackson@dljlawgroup.com
www.dljlawgroup.com
www.twitter.com/DLJESQ

Sent via the Samsung Galaxy Note10+,
an AT&T 5G Evolution capable smartphone
Get [Outlook for Android](#)

From: Charles Yuen <cyuen@cyuen-law.com>
Sent: Wednesday, March 24, 2021 3:53:44 PM
To: djackson dljlawgroup.com <djackson@dljlawgroup.com>
Cc: kkasiborski dljlawgroup.com <kkasiborski@dljlawgroup.com>
Subject: RE: Emails

I should say add that, as it has not been served, you would also have the option either of not serving it or seeking leave to file a different amended complaint. The parties just need clarity.

From: Charles Yuen
Sent: Wednesday, March 24, 2021 3:52 PM
To: djackson dljlawgroup.com <djackson@dljlawgroup.com>
Cc: kkasiborski dljlawgroup.com <kkasiborski@dljlawgroup.com>
Subject: RE: Emails

You submitted it with the opposition to the summary judgment motion after I mentioned in the motion that I noticed it on the docket sheet (which happened to be the docket sheet for the pre-transfer case). As far as I know, it has never been served with an intent to render it operative against the defendants.

From: djackson dljlawgroup.com <djackson@dljlawgroup.com>
Sent: Wednesday, March 24, 2021 3:48 PM
To: Charles Yuen <cyuen@cyuen-law.com>
Cc: kkasiborski dljlawgroup.com <kkasiborski@dljlawgroup.com>
Subject: Re: Emails

I will review with client regarding the amended complaint. When was the judge supposed to rule on it??

Desha Jackson, Esq.
Desha Jackson Law Group, LLC.
200 Daniels Way, Suite 200
Freehold, New Jersey, 07728
Phone: 732-414-6663
Fax: 732-414-6660
djackson@dljlawgroup.com
www.dljlawgroup.com
www.twitter.com/DLJESQ

Sent via the Samsung Galaxy Note10+,
an AT&T 5G Evolution capable smartphone
Get [Outlook for Android](#)

From: Charles Yuen <cyuen@cyuen-law.com>
Sent: Wednesday, March 24, 2021, 3:40 PM
To: djackson dljlawgroup.com
Cc: kkasiborski dljlawgroup.com
Subject: RE: Emails

Desha: Are you going to serve the amended complaint? We never were served and the judge did not rule on whether it is effective. The defendants' answering requirement dates from service, which did not occur. If you want to serve it, we will accept the service by email.

Regards,
Charles

From: djackson dljlawgroup.com <djackson@dljlawgroup.com>
Sent: Tuesday, March 23, 2021 4:23 PM
To: Charles Yuen <cyuen@cyuen-law.com>
Cc: kkasiborski dljlawgroup.com <kkasiborski@dljlawgroup.com>
Subject: Re: Emails

Yes. Both.

Desha Jackson, Esq.
Desha Jackson Law Group, LLC.
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Freehold, New Jersey, 07728
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djackson@dljlawgroup.com
www.dljlawgroup.com
www.twitter.com/DLJESQ

Sent via the Samsung Galaxy Note10+,
an AT&T 5G Evolution capable smartphone
Get [Outlook for Android](#)

From: Charles Yuen <cyuen@cyuen-law.com>
Sent: Tuesday, March 23, 2021, 4:21 PM
To: djackson dljlawgroup.com
Cc: kkasiborski dljlawgroup.com
Subject: Re: Emails

Desha: These are your client's emails sent and received? Without waiving objections, we are working on it.

From: djackson dljlawgroup.com <djackson@dljlawgroup.com>
Sent: Tuesday, March 23, 2021 4:02 PM
To: Charles Yuen <cyuen@cyuen-law.com>
Cc: kkasiborski dljlawgroup.com <kkasiborski@dljlawgroup.com>
Subject: Emails

We want emails from January of 2017 to June of 2018.

Desha Jackson, Esq.
Desha Jackson Law Group, LLC.
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Freehold, New Jersey, 07728
Phone: 732-414-6663
Fax: 732-414-6660
djackson@dljlawgroup.com
www.dljlawgroup.com
www.twitter.com/DLJESQ

Sent via the Samsung Galaxy Note10+,
an AT&T 5G Evolution capable smartphone
Get [Outlook for Android](#)

PAULA M. DILLON 001691992
GOLDMAN DAVIS KRUMHOLZ & DILLON, PC
574 Summit Avenue, Suite 402
Jersey City, NJ 07306
(201) 656-5232
Attorneys for Plaintiff

LEKEYSHA ALSTON-PAGE,
Plaintiff

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

COUNTY OF BERGEN

vs.

DOCKET NO.: BER-L-556-19

STATE OPERATED SCHOOL DISTRICT
FOR THE CITY OF PATERSON, a body
corporate and politic, and MONICA
FLOREZ, individually,

CIVIL ACTION

Defendant(s)

FIRST AMENDED COMPLAINT

Plaintiff, Lekeysha Alston-Page, residing at 430 Washington Avenue, 2nd Floor,
Hackensack, NJ 07601, complaining of the Defendant, says:

FIRST COUNT
DISABILITY DISCRIMINATION

1. Plaintiff, Lekeysha Alston-Page, is a 41 year old female who was employed by defendant Paterson Public Schools for approximately 14 years, from approximately April 2004 until the termination of her employment on or about October 15, 2018.
2. Defendant, State Operated School District for the City of Paterson, a body corporate and politic, located at 90 Delaware Avenue in Paterson, New Jersey, was at all times relevant to the within matter, plaintiff's "employer" as that term is defined under the New Jersey Law Against Discrimination (NJ LAD), N.J.S.A. 10:5-1 *et seq.*
3. Individual defendant, Monica Florez, was at all times relevant to the within matter, the Principal of P.S. #30/Martin Luther King Jr. Educational Complex located at 851 E. 289th St., in Paterson, New Jersey.

4. Ms. Alston-Page was employed by defendant as a Para Professional and Character Education Teacher and performed her job in accordance with the expectations of her employer.
5. The last assignment Ms. Alston-Page had for the 2018-2019 school year was working at the Dr. Martin Luther King Elementary School (school #30) located at 851 E. 28th Street in Paterson, New Jersey.
6. In the Spring of 2017, Plaintiff underwent shoulder surgery as result of a car accident in June 2016 where she sustained injuries to her neck, back and leg and herniated discs.
7. In September 2017, Ms. Alston-Page was given a 504 ADA accommodation which involved a transfer from the Panther Academy, a high school, to School #30, after suffering from anxiety attacks due to the exposure to rats in that building.
8. On or about September 6, 2018, Plaintiff was given a new assignment at School #30 as a one-on-one Personal Aide to a five year old male autistic student with significant behavioral issues, who on the first day of the assignment and thereafter, was physically aggressive toward Ms. Alston-Page which required physically restraining the child at times, and for which Plaintiff had not been properly trained.
9. Ms. Alston Page made several documented complaints to the school district, including but not limited to the Chief Special Education Officer Cheryl D. Coy, Principal Monica Florez, and union representative Charles Ferrer, about her assignment and Plaintiff's belief that she was not properly trained to work as an aide to an autistic child, and that her continued exposure to this child was causing her physical and emotional harm.
10. On or about September 12, 2018, Plaintiff requested a transfer to another position in the district.
11. Ms. Alston-Page not only suffered physical injuries when she was bitten, scratched, spit at, and kicked by the child, which required a tetanus shot, but Plaintiff alleges she was improperly reprimanded on or about September 20, 2018, about a situation involving this same child, shortly after one of her complaints.

12. On or about September 25, 2018, Plaintiff filed a grievance regarding her assignment to work with autistic student N.B. and stated that she had been “traumatized by the continuous assault experience every day...”.
13. On or about September 25, 2018, Plaintiff sought treatment at the Immedicenter in Totowa, New Jersey, with complaints of scratches received at work by a student and was given a tetanus booster at that time.
14. Plaintiff returned to the Immedicenter on September 27, 2018, and again on October 1, 2018 at which time she complained of additional scratches and kicking from her student.
15. On or about October 4, 2018, Ms. Alston-Page was taken by ambulance to St. Joseph’s Hospital and placed out of work until October 15, 2018.
16. On or about October 8, 2018, Plaintiff’s doctor completed a 504 ADA Accommodation request which included a transfer from the assignment with triggering abusive exposures, as the then current assignment, would cause cardiovascular and neurologic complications, from hypertension and cervical radiculopathy.
17. On or about October 10, 2018, Ms. Alston-Page was provided with a return to work note effective October 15, 2018 which she forwarded to the Union and the school, at which time she again inquired about an accommodation given her medical condition.
18. On or about October 11, 2018, Ms. Alston-Page was required to undergo an evaluation or fitness for duty exam, with a doctor for the school district, Dr. Scott Coleman of Immedicenter Totowa, where Plaintiff complained of of anxiety symptoms manifested as chest pain, difficulty breathing, palpitations, elevated blood pressure, headaches, etc., as well as, physical strain stemming from pre-existing chronic neck and lower back pain due to herniated discs in both regions. Dr. Coleman opined that Ms. Alston-Page had difficulty “both physically and mentally” with her job (as a Personal Assistant for NB), and recommended that the ideal solution would be for Ms. Alston-Page to be “...transfer[red] to another school...”.

19. At this time, Ms. Alston-Page also underwent an evaluation with her own doctor, Dr. Marissa Ferrazzo-Weller, who agreed that Plaintiff's assignment should be changed.
20. On or about October 15, 2018, Ms. Alston-Page was informed that the Paterson Public Schools would not accommodate Plaintiff's request for an accommodation which involved a transfer to another assignment.
21. The plaintiff suffered from serious medical conditions relating to anxiety, high blood pressure, and herniated discs in the neck and lower back which required medical treatment and time out from work and which constituted mental and physical disabilities which are recognized as such under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-4.1 *et. seq.*.
22. Plaintiff was retaliated against and subject to an adverse employment action when defendants failed to accommodate plaintiff's request for a transfer to another facility and ultimately terminated her employment, and that such conduct constituted Disability Discrimination in violation of the plaintiff's rights under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-4.1 *et. seq.*, N.J.S.A. 10:5-4.1 *et. seq.*
23. That as a result of the actions of the defendant(s) as aforesaid, plaintiff was caused to sustain a loss of employment and income and was caused to sustain emotional and psychological distress and harm, embarrassment and a continuous and permanent interference with the prospect of future economic advantage and with the ability to obtain future employment.

WHEREFORE, plaintiff demands judgment against any and all of said defendants, jointly and individually, for harm suffered as a result of defendants Disability Discrimination in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-4.1 *et. seq.* as follows: an award of compensatory damages, including but not limited to, back pay and benefits, front pay and benefits, consequential damages, punitive damages, emotional distress damages, equitable relief, prejudgment interest, attorney fees, cost of suit, and expenses with an appropriate enhancement under *Rendine*

v. *Pantzer*, 141 N.J. 292 (1995), on this Count of the Complaint.

SECOND COUNT
FAILURE TO ACCOMMODATE

Plaintiff repeats the allegations in the previous Count of the Complaint and incorporates same herein by reference and further says:

23. The Plaintiff, Lekeysha Alston-Page, suffered from serious medical conditions relating to anxiety, high blood pressure, and herniated discs in the neck and lower back which required medical treatment and time out from work and which constituted mental and physical disabilities which are recognized as such under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-4.1 *et. seq.*
24. The Plaintiff submitted medical documentation from her own doctor, as well as a fitness for duty exam, which requested an accommodation that included a transfer to another classroom due to the physical and emotional strain on the Plaintiff, due to her placement with a child with significant behavioral issues for which she had never been trained.
25. That the request for a transfer based on Plaintiff's disabilities relating to anxiety disorder and herniated discs constituted a request for an accommodation in accordance with N.J.A.C. 13:13-2.5 and would have permitted the Plaintiff to perform the essential functions of her job.
26. That the Plaintiff was denied the accommodation after 14 years in the school district and suffered an adverse employment action when her employment was terminated effective October 15, 2018, as a form of Disability Discrimination, in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-4.1 *et. seq.*
27. The defendants repeatedly failed to engage in the interactive process with the Plaintiff as outlined in the Enforcement Guidelines established by the EEOC and found in 29 C.F.R. Section 1630.2 (O)(3) when the defendants denied Plaintiff's request for an accommodation and ultimately terminated the Plaintiff's employment.

28. The failure of defendants to engage in the interactive process and provide Plaintiff with reasonable accommodations constitutes a form of Disability Discrimination in violation of the plaintiff's rights under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, *et seq.*, and in violation of N.J.A.C. 13:13-2.5.
29. The plaintiff had been performing her job at a level that met her employer's expectations although she requested a reasonable accommodation.
30. The plaintiff suffered from serious medical conditions relating to anxiety, high blood pressure, and herniated discs in the neck and lower back which required medical treatment and time out from work and which constituted mental and physical disabilities for which she requested an accommodation in the form of a transfer to another classroom, and which constituted a request for an accommodation under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-4.1 *et. seq.*
31. That as a result of the actions of the defendant(s) as aforesaid, plaintiff was caused to sustain a loss of employment and income and was caused to sustain emotional and psychological distress and harm, embarrassment and a continuous and permanent interference with the prospect of future economic advantage and with the ability to obtain future employment.

WHEREFORE, plaintiff demands judgment against any and all of said defendants, jointly and individually, for harm suffered as a result of defendant's failure to accommodate as a form of Disability Discrimination in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et. seq.* as follows: an award of compensatory damages, including but not limited to, back pay and benefits, front pay and benefits, consequential damages, punitive damages, emotional distress damages, equitable relief, prejudgment interest, attorney fees, cost of suit, and expenses with an appropriate enhancement under *Rendine v. Pantzer*, 141 N.J. 292 (1995), on this Count of the Complaint.

THIRD COUNT

NEW JERSEY LAW AGAINST DISCRIMINATION
AIDING AND ABETTING

Plaintiff repeats the allegations in the previous Counts of the Complaint and incorporates same herein by reference and further says:

32. Individual defendant, Monica Florez, is employed by the defendant as the Principal of School #30/MLK and a Supervisor of the Plaintiff and a member of upper management with the authority to fire employees and control the Plaintiff's workplace.
33. Upon information and belief, defendant Monica Florez terminated and or recommended the termination of the Plaintiff from her employment on or about October 15, 2018.
34. The acts of the individual defendant Monica Florez as described herein was committed within the scope of her employment.
35. Defendant State operated School District for the City of Paterson, a body corporate and politic, delegated to individual defendant Monica Florez, the supervisory authority to control the Plaintiff's workplace.
36. Defendant Monica Florez abused the authority delegated by defendant when she retaliated against the Plaintiff and altered the Plaintiff's workplace by terminating her employment based on her Disabilities and/or Request for an Accommodation, in violation of the NJ Law Against Discrimination, N.J.S.A. 10:5-1 *et.seq.*
37. By engaging in this course of unlawful conduct, Monica Florez, knowingly gave substantial assistance and/or encouragement to defendant in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-4.1 *et.seq.*
38. By virtue of the acts set forth in this complaint, defendant Monica Florez aided and abetted and/or attempted to aid and abet unlawful discrimination in violation of Plaintiff's rights secured under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et. seq.*
39. That as a result of the actions of the defendant(s) as aforesaid, plaintiff was caused to sustain a loss of employment and income and was caused to sustain emotional and psychological distress and harm, embarrassment and a continuous and permanent

interference with the prospect of future economic advantage and with the ability to obtain future employment.

WHEREFORE, plaintiff demands judgment against any and all of said defendants, jointly and individually, for harm suffered as a result of defendant's disability discrimination violation of the NJ Law Against Discrimination, N.J.S.A. 10:5-1 *et. seq.* as follows: an award of compensatory damages, including but not limited to, back pay and benefits, front pay and benefits, consequential damages, punitive damages, emotional distress damages, equitable relief, prejudgment interest, attorney fees, cost of suit, and expensess with an appropriate enhancement under *Rendine v. Pantzer*, 141 N.J. 292 (1995), on this Count of the Complaint.

JURY DEMAND

Plaintiff hereby demands trial by jury on all issues herein pursuant to R.1:8-2(b) and R.4:35-1(a).

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

PURSUANT to R.4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payment made to satisfy the Judgment. If so, please attach a copy of each, or in the alternative state, under oath and certification: (a) policy number; (b) name and address of insurer; (c) inception and expiration date; (d) names and addresses of all person insured thereunder; (e) personal injury limits; (f) property damage limits; and (g) medical payment limits.

DEMAND FOR DOCUMENTS TO WHICH ANSWER REFERS

Pursuant to Rule 4:18-2, Plaintiff hereby demands that Defendant produce copies of each

and every document or paper to which the Answer refers within five days after service of the Answer.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Paula M. Dillon is hereby designated as trial counsel for Plaintiff in the within matter.

CERTIFICATION OF NO OTHER ACTIONS

Pursuant to R.4:5-1, it is hereby certified that, to the best of our knowledge and belief, the matter in controversy is not the subject of any other action pending in any other Court or of a pending Arbitration proceeding. Also, to the best of our knowledge and belief, no other action or Arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, at the present time we know of no other parties that should be joined in this action. In addition, we recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

CERTIFICATION REGARDING PERSONAL IDENTIFIERS

Pursuant to Rule 1:38-7(c), I certify that confidential personal identifiers have been redacted from documents now submitted to the Court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(c).

NOTICE REGARDING NON-DESTRUCTION OF EVIDENCE

Please be advised and noticed that the Defendants should refrain from destroying, disposing or altering any potential evidence in its possession which would relate in any way to this mater.

Please also be advised and noticed that this includes any and all electronic records, including but not limited to the hard drives on any and all computers and/or servers. To that end:

A. The Defendant(s) should not initiate any procedures which would alter any active, deleted,

or fragmented files. Such procedures may include, but are not limited to: storing (saving) newly created files to existing drives and diskettes; loading new software, such as application programs; running data compression and disk defragmentation (optimization) routines; or the use of utility programs to permanently wipe files, disks or drives.

B. The Defendant(s) should stop any rotation, alteration, and/or destruction of electronic media that may result in the alteration or loss of any electronic data. Backup tapes and disks should be pulled from their rotation queues and be replaced with new tapes.

C The Defendant(s) should not alter and/or erase active files, deleted files, or file fragments, on any electronic media storage devices replaced due to failure, upgrade, and/or lease expiration that may contain electronic data having any relation to this matter.

D. The Defendant(s) should not dispose of any electronic media storage devices replaced due to failure, upgrade, and/or lease expiration that may contain electronic data having any relation to this matter.

GOLDMAN DAVIS KRUMHOLZ DILLON, P.A.
Attorneys for Plaintiff

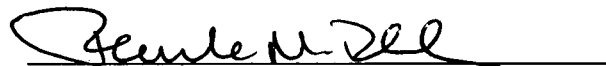

PAULA M. DILLON

EXHIBIT C

Prepared by the Court

FILED
JUN 07 2019
BONNIE J. MIZDOL, A.J.S.C.

LEKEYSHA ALSTON-PAGE,

Plaintiff,

vs.

**STATE OPERATED SCHOOL
DISTRICT FOR THE CITY OF
PATERSON and MONICA
FLOREZ,**

Defendants.

**SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY: LAW DIVISION**

DOCKET NO. BER-L-556-19

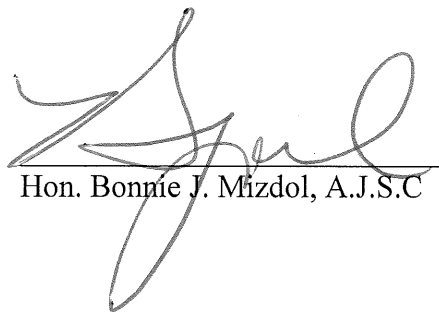
CIVIL ACTION

ORDER TRANSFERRING VENUE

THIS MATTER having been brought before the Court on the motion of Charles A. Yuen, Esq. (Scarinci & Hollenbeck, LLC), attorney for Defendants, for an Order transferring venue, and for good cause shown;

IT IS on this 7th day of June, 2019, **ORDERED:**

1. Venue in the above matter is hereby transferred from Bergen County to Passaic County for the reasons set forth in the Rider annexed hereto.



Hon. Bonnie J. Mizdol, A.J.S.C.

ALSTON-PAGE v. STATE OPERATED SCHOOL DISTRICT FOR THE CITY OF
PATERSON and FLOREZ
DOCKET No. BER-L-000556-19

RIDER TO ORDER DATED June 7, 2019

FILED
JUN 07 2019
BONNIE J. MIZDOL, A.J.S.C.

Law

R. 4:3-3(a) provides, “[i]n actions in the Superior Court a change of venue may be ordered by the Assignment Judge . . . of the County in which venue is laid.”

Change of venue in a civil action is appropriate in the following circumstances:

(1) if the venue is not laid in accordance with R. 4:3-2; or (2) if there is a substantial doubt that a fair and impartial trial can be had in the county where venue is laid; or (3) for the convenience of parties and witnesses in the interest of justice.

[R. 4:3-3(a).]

R. 4:3-2(a) governs where venue may be laid; it provides:

Venue shall be laid by the plaintiff in Superior Court actions as follows: (1) actions affecting title to real property or a possessory or other interest therein, or for damages thereto, or appeals from assessments for improvements, in the county in which any affected property is situate; (2) actions not affecting real property which are brought by or against municipal corporations, counties, public agencies or officials, in the county in which the cause of action arose; (3) . . . all other actions in the Superior Court shall be laid in the county in which the cause of action arose, or in which any party to the action resides at the time of its commencement, or in which the summons was served on a nonresident defendant.

[R. 4:3-2(a).]

For venue purposes, “a corporation shall be deemed to reside in the county in which its registered office is located or in any county in which it is actually doing business.” R. 4:3-2(b).

A review of the case law interpreting R. 4:3-2 indicates courts in New Jersey generally defer to the plaintiff’s choice of venue in the event alternative venues exist. See Civic S. Factors Corp. v. Bonat, 65 N.J. 329, 333 (1974) (“[A] plaintiff’s choice of forum ordinarily will not be

disturbed except upon a clear showing of real hardship or for some other compelling reason. The choice of forum must be demonstrably inappropriate.”); Doyley v. Schroeter, 191 N.J. Super. 120, 124-26 (Law Div. 1983) (“Indeed, the rule itself expresses a bias in favor of plaintiff’s choice. . . . Absent the likelihood of substantial inconvenience or injustice, reason dictates that a change in venue with its inevitable consequences be avoided.”).

Venue requirements “are rules of practice designed to place litigation at a location convenient to parties and witnesses.” Id. (citing Doyley, supra, 191 N.J. Super. at 126-28). Accordingly, an action may be transferred from one venue to another where the convenience of the parties and witnesses is not served by strict application of the venue rule. See R. 4:3-3(a)(3).

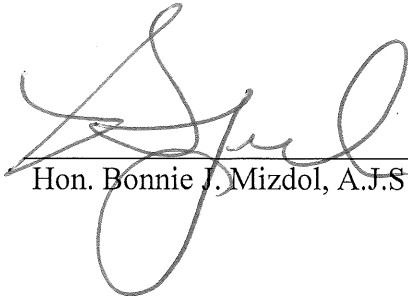
Analysis

Plaintiff, Lekeysha Alston-Page, a resident of Hackensack, Bergen County, New Jersey, filed a disability discrimination complaint in Bergen County on January 29, 2019, against her employer, State Operated School District for the City of Paterson (“PPS”) and Monica Florez, the Principal of P.S. #30 Martin Luther King Jr. Educational Complex, (“Florez”) (“Defendants” when referenced collectively).

On May 10, 2019, Defendants, represented by Charles A. Yuen, Esq. (Scarinci & Hollenbeck, LLC), filed the instant motion to transfer venue to Passaic County.

R. 4:3-2(a)(2) provides that venue for actions “not affecting real property which are brought by or against municipal corporations, counties, public agencies or officials shall be laid by the plaintiff in the county in which the cause of action arose.” The cause of action occurred in Passaic County. PPS is a public agency located in Paterson (Passaic County). Florez, Plaintiff’s supervisor at the time of the cause of action arose, was employed by PPS.

Venue was improperly laid in Bergen County, therefore, a change of venue to Passaic County is proper.



Hon. Bonnie J. Mizdol, A.J.S.C.

EXHIBIT D

PASSAIC COUNTY COURT
PASSAIC COUNTY COURTHOUSE
77 HAMILTON STREET
PATERSON NJ 07505

u
p
o
o

DATE AUGUST 06, 2019

VINCENT A. ANTONIELLO
RESNICK LAW GROUP P.C.
5 BECKER FARM RD
SUITE 410
ROSELAND

NJ 007068000

ALSTON-PAGE LEKEYSHA VS STATE OPERATED SCHOO L D
DOCKET L 001820 19
DEAR SIR OR MADAM:

PURSUANT TO THE ORDER OF REFERRAL TO MEDIATION (COPY ATTACHED), YOU HAVE BEEN DESIGNATED AS A MEDIATOR IN THE ABOVE CAPTIONED CASE IN THE EVENT THAT THE PARTIES DO NOT SELECT ANOTHER MEDIATOR OF THEIR CHOICE WITHIN 14 DAYS. IF THE LEAD PLAINTIFF IN THE ABOVE MATTER HAS NOT CONTACTED YOU WITHIN 18 DAYS OF THE ENTRY OF THE ORDER, YOU WILL SERVE AS THE MEDIATOR IN THE ABOVE MATTER. IF THERE IS A CONFLICT, PLEASE NOTIFY [REDACTED] IMMEDIATELY. PLEASE NOTE THAT PURSUANT TO THE ATTACHED ORDER, YOU SHALL HOLD A TELEPHONIC CONFERENCE WITH COUNSEL WITHIN 35 DAYS OF THE DATE OF THE ENCLOSED ORDER AND ON 5 DAY'S ADVANCE NOTICE TO THE PARTIES. IN ACCORDANCE WITH APPENDIX XXVI OF THE RULES OF COURT, AT THE BEGINNING OF THE INITIAL IN-PERSON MEDIATION SESSION, YOU SHALL DISCLOSE TO THE PARTIES IN WRITING ON A FORM PRESCRIBED BY THE ADMINISTRATIVE DIRECTOR OF THE COURTS THE SPECIFIC TIME AT WHICH THE FREE MEDIATION WILL CONCLUDE. THE WRITTEN DISCLOSURE SHALL ADVISE THE PARTIES THAT ANY MEDIATION CONTINUED BEYOND THAT TIME WILL BE BILLED BY YOU AT YOUR MARKET RATE AS SET FORTH ON THE COURT'S MEDIATOR ROSTER. THE WRITING SHALL ALSO DISCLOSE THE AMOUNT OF PREPARATION TIME YOU HAVE SPENT TO THAT POINT ON THE CASE. IF THE AMOUNT OF PREPARATION TIME BY YOU EXCEEDS ONE HOUR AND IF YOU INTEND TO CHARGE THE PARTIES FOR THAT ADDITIONAL PREPARATION TIME BEYOND THE ONE FREE HOUR IN ACCORDANCE WITH GUIDELINE 15 SHOULD THEY AGREE TO CONTINUE WITH MEDIATION ON A PAYING BASIS, THEN IN THAT WRITTEN DISCLOSURE YOU MUST SO ADVISE THE PARTIES PRIOR TO COMMENCING THE INITIAL MEDIATION SESSION. ANY SUCH CHARGED ADDITIONAL PREPARATION TIME WILL BE BILLED BY YOU AT YOUR MARKET RATE AS SET FORTH ON THE COURT'S MEDIATOR ROSTER. THE FORM OF THE DISCLOSURE IS FOUND AT NJCOURTS.GOV UNDER CIVIL MEDIATION RESOURCES. PLEASE NOTIFY [REDACTED] IMMEDIATELY UPON THE SETTLEMENT OR UPON UNSUCCESSFUL COMPLETION OF THE MEDIATION OF THIS CASE AND SUBMIT A COMPLETION OF MEDIATION FORM. THE FORM MAY ALSO BE FOUND AT NJCOURTS.GOV UNDER CIVIL MEDIATION RESOURCES.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL THE MEDIATOR FACILITATING COMMITTEE. INFORMATION REGARDING THE MEDIATOR FACILITATING COMMITTEE CAN BE FOUND AT NJCOURTS.GOV, CIVIL MEDIATION RESOURCES. THANK YOU FOR YOUR WILLINGNESS TO SERVE IN THIS VERY IMPORTANT PROGRAM.

VERY TRULY YOURS,



CIVIL PRESIDING JUDGE

ENC.

Please send or fax all correspondence CDR
point person- Lisa Laurenzi
Civil Division, 77 Hamilton St. 3rd fl
Paterson, NJ 07505
Phone: 973-247-8198/Fax: 973-247-3288

ALSTON-PAGE LEKEYSHA VS STATE OPERATED SCHOOL D

CIVIL ACTION
MEDIATION REFERRAL ORDER
(NO STAY OF DISCOVERY)

PURSUANT TO R. 1:40-1 ET SEQ., IT IS ON THIS SIXTH DAY OF
AUGUST 2019, ORDERED THAT:

1. THE PARTIES AND ATTORNEYS SHALL PARTICIPATE IN MEDIATION IN GOOD FAITH AND WITH A SENSE OF URGENCY. FAILURE TO DO SO MAY RESULT IN AN ASSESSMENT OF COSTS OR OTHER CONSEQUENCES.

REGARDING THE MEDIATOR SELECTION

- 2A. PARTIES MAY SELECT A MEDIATOR WITHIN 14 DAYS. IF THE PARTIES DESIGNATE A "PARTY SELECTED MEDIATOR" WITHIN 14 DAYS OF THE ENTRY OF THIS ORDER, LEAD PLAINTIFF'S COUNSEL SHALL PROVIDE TO THE CDR POINT PERSON AND THE INDIVIDUAL NAMED IN PARAGRAPH 2B BELOW, IN WRITING, THE NAME, ADDRESS, TELEPHONE AND E-MAIL ADDRESS OF THE SELECTED MEDIATOR. NAMES AND ADDRESSES OF THE CDR POINT PERSON MAY BE FOUND AT NJCOURTS.GOV UNDER CIVIL MEDIATION RESOURCES.
- 2B. VINCENT A. ANTONIELLO (973) 781-1204 IS APPOINTED TO MEDIATE IF PARTIES DO NOT TIMELY DESIGNATE A PARTY SELECTED MEDIATOR. INFORMATION REGARDING THE APPOINTED MEDIATOR MAY BE OBTAINED AT NJCOURTS.GOV, CIVIL MEDIATION RESOURCES, UNDER CIVIL MEDIATOR SEARCH.

REGARDING THE MEDIATION PROCESS

- 3A. THE MEDIATOR SHALL NOTIFY COUNSEL OF THE DATE AND TIME FOR AN ORGANIZATIONAL CONFERENCE CALL TO BE CONDUCTED WITHIN 35 DAYS OF THIS ORDER. THE MEDIATOR SHALL EXPLAIN THE MEDIATION PROCESS, SET GROUND RULES, FACILITATE FOCUSED INFORMATION EXCHANGE, AND IDENTIFY THOSE PERSONS WITH NEGOTIATING AUTHORITY NEEDED BY EACH SIDE TO PARTICIPATE IN THE MEDIATION PROCESS IN ORDER TO ASSIST IN EFFECTUATING A RESOLUTION OF THE CASE. IN CONSULTATION WITH COUNSEL, THE MEDIATOR SHALL SCHEDULE THE MEDIATION SESSION AND MAY REQUIRE THE ATTENDANCE OF THE PERSON(S) WITH AUTHORITY.
- 3B. FAILURE TO PARTICIPATE IN THE CONFERENCE CALL OR ATTEND THE FIRST MEDIATION SESSION MAY RESULT IN AN ASSESSMENT OF COSTS OR OTHER CONSEQUENCES PURSUANT TO R. 1:2-4(A).
- 3C. ANY PARTY MAY WITHDRAW FROM THE MEDIATION PROCESS AFTER THE EXPIRATION OF THE INITIAL ONE-HOUR IN-PERSON MEDIATION SESSION. WITHDRAWAL OF ONE OR MORE PARTIES FROM THE MEDIATION SHALL NOT PREVENT THE REMAINING PARTIES FROM CONTINUING WITH MEDIATION.
- 3D. LEAD PLAINTIFF'S COUNSEL SHALL BE RESPONSIBLE FOR PROVIDING THE MEDIATOR WITH AN UPDATED PARTY/COUNSEL LIST.
- 3E. THIS REFERRAL TO MEDIATION DOES NOT STAY DISCOVERY. MEDIATION UNDER THIS ORDER SHALL BE COMPLETED BY THE DISCOVERY END DATE.

REGARDING MEDIATOR COMPENSATION

4. COMPENSATION OF PARTY-SELECTED OR COURT-DESIGNATED MEDIATORS SHALL BE HANDLED IN ACCORDANCE WITH THE "GUIDELINES FOR THE COMPENSATION OF MEDIATORS" CONTAINED IN APPENDIX XXVI OF THE RULES OF COURT. MEDIATORS ON THE ROSTER, WHETHER PARTY-SELECTED OR COURT-DESIGNATED, SHALL SERVE WITHOUT COMPENSATION FOR THE FIRST TWO HOURS, WHICH SHALL INCLUDE A MANDATORY ORGANIZATIONAL TELEPHONE CONFERENCE WITH COUNSEL AND PRO SE PARTIES AND AN IN-PERSON MEDIATION SESSION OF AT LEAST ONE HOUR. THE PARTIES MAY SELECT ANY MEDIATOR NOT ON THE ROSTER OF MEDIATORS AND SUCH NON-ROSTER MEDIATOR MAY NEGOTIATE A FEE WITH THE PARTIES, BUT IS BOUND BY ALL OTHER TERMS AND CONDITIONS OF THIS ORDER AND THE COURT'S MEDIATION PROCEDURES.
5. ANY INQUIRY REGARDING THE MEDIATION PROCESS OR THIS ORDER SHALL BE RESOLVED BY THE MEDIATOR IN COLLABORATION WITH THE MEDIATOR FACILITATING COMMITTEE IDENTIFIED AT: <http://njcourts.gov/courts/assets/civil/medmentcommmlist.pdf>.

C: COURT DESIGNATED MEDIATOR
ALL PARTIES OR COUNSEL

J.S.C.

COUNSEL & PARTY LIST
ALSTON-PAGE LEKEYSHA VS STATE OPERATED SCHOO L D
(L 001820 19)

VINCENT A. ANTONIELLO
RESNICK LAW GROUP P.C.
5 BECKER FARM RD,
ROSELAND NJ 007068000
(973) 781-1204

| PARTY NAME | ATTORNEY | ADDRESS/TELEPHONE # |
|--------------------------|---|---|
| LEKEYSHA ALSTON-PAGE(PF) | PAULA M. DILLON GOLDMAN DAVIS KRUMHOLZ & | THREE UNIVERSITY PLZ STE 410 HACKENSACK NJ 076010000 (201) 488-2600 |
| STATE OPERATED SCHOO(DF) | CHARLES A. YUEN SCARINCI & HOLLENBECK LLC | 1100 VALLEY BROOK AVE PO BOX 790 LYNDHURST NJ 070710790 (201) 896-4100 |
| MONICA FLOREZ | (DF) CHARLES A. YUEN SCARINCI & HOLLENBECK LLC | 1100 VALLEY BROOK AVE PO BOX 790 LYNDHURST NJ 070710790 (201) 896-4100 |

EXHIBIT E

PAS-L-001820-19 09/24/2019 2:57:11 PM Pg 1 of 2 Trans ID: LCV20191727793

PAULA M. DILLON, ESQ., #001691992
GOLDMAN DAVIS KRUMHOLZ & DILLON, PC
Three University Plaza
Suite 410
Hackensack, NJ 07601
(201) 488-2600
(201) 488-5059 Fax

LEKEYSHA ALSTON-PAGE,

Plaintiff

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

COUNTY OF PASSAIC

vs.

DOCKET NO.: PAS-L-1820-19

STATE OPERATED SCHOOL DISTRICT
FOR THE CITY OF PATERSON, a body
corporate and politic, and MONICA
FLOREZ, individually,
Defendants

CIVIL ACTION

ORDER

THIS MATTER HAVING BEEN opened to the Court by PAULA M. DILLON, Esq.,
of the Law Firm of Goldman Davis Krumholz & Dillon, PC, Attorneys for the Plaintiff, and the
Court having considered the filed Affidavit and for other good cause being shown;

IT IS HEREBY ORDERED on this 17 day of ~~September~~^{October}, 2019, that the law firm
of Goldman Davis Krumholz & Dillon, PC and PAULA M. DILLON, Esq. be and are hereby
relieved as counsel for the plaintiff in the within matter.

IT IS HEREBY ORDERED that plaintiff is to obtain new counsel within 15 days
from the date hereof;

IT IS FURTHER ORDERED that a copy of this Order be and is hereby mailed to
the plaintiff via Certified and Regular Mail, to his last known address of 104 Alabama Avenue
Rear Apt, Paterson, NJ 07503.

PAS-L-001820-19 09/24/2019 2:57:11 PM Pg 2 of 2 Trans ID: LCV20191727793

Motion was:

____ Opposed

7 Unopposed


Thomas F. Brogan, P.J.Cv.

EXHIBIT F

Desha Jackson Law Group, LLC.

Attorney ID #014591996

200 Daniels Way,
Suite 200

Freehold, NJ 07728

PH: 732-414-6663

FAX: 732-414-6660

djackson@dljlawgroup.com

Attorneys for Plaintiff Lekeysha Alston-Page

LEKEYSHA ALSTON-PAGE ,

Plaintiff(s),

vs.,

STATE OPERATED SCHOOL DISTRICT
FOR THE CITY OF PATTERSON AND
MONICA FLOREZ

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
PASSAIC COUNTY

DOCKET NO. PAS- L-001820-19

CIVIL ACTION

**ORDER TO EXTEND TIME TO ANSWER
DOCUMENT PRODUCTION REQUEST
AND INTERROGATORIES PURSUANT
TO R. 1:6-2; R. 1:6-3; R. 1:6-4 ;4:17-4(B);
R. 4:18-1(B)(2)**

THIS MATTER having been brought before the Court by Desha Jackson, Law
Group, LLC., attorneys for the Plaintiff Lekeysha Alton-Page and for good cause shown;

IT IS ON THIS 30 day of Jan, 2020,

ORDERED, that the time for Plaintiff Lekeysha Alston-Page, to answer
Defendant's State Operated School District for City of Paterson and Monica Florez's Document
Production Request and Interrogatories hereby is extended for a period of Sixty (60) days from
the date of this Order;

IT IS FURTHER ORDERED that a copy of the within Order shall be served upon all
counsel of record within seven (7) days of the date hereof.

Thomas F. Brogan, P.J.Cv.

The Honorable Thomas F. Brogan, P. J.S.C.

Date:

Opposed 7

Unopposed —

*Confused about this application.
There is no need to compel or to
dismiss for failure to provide
discovery. Work together*

EXHIBIT G

CHARLES A. YUEN, ESQ. (007171993)
SCARINCI & HOLLENBECK, LLC
1100 VALLEY BROOK AVENUE
P.O. BOX 790
LYNDHURST, NEW JERSEY 07071-0790
Telephone: (201) 896-7033
Attorneys for Defendant Paterson Board of Education
Our File No.: 011137.02100

LEKEYSHA ALSTON-PAGE

Plaintiff,

v.

STATE OPERATED SCHOOL DISTRICT
FOR THE CITY OF PATERSON, and
MONICA FLOREZ,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – PASSAIC COUNTY
DOCKET NO.: PAS-L-0001820-19
Civil Action

**CONSENT ORDER EXTENDING TIME
FOR DISCOVERY**

THIS MATTER having come before the Court on the consent application of counsel for all parties, for a Consent Order extending the discovery period; and good cause having been shown;

WHEREAS the original discovery end date is July 18, 2020 and there have been no extensions of the discovery end date; and

WHEREAS the Supreme Court has issued pertinent Omnibus Orders pertaining to discovery and discovery end dates in light of COVID-19; and

WHEREAS in light of COVID-19 and other considerations the parties have consented to the extension of the discovery end date in this matter by ninety (90) days.

IT IS on this 15 day of June, 2020

ORDERED that the discovery end date in this matter shall be extended by a period of ninety (90) days until October 16, 2020; and

IT IS FURTHER ORDERED that this Order shall be considered served on the parties upon its entry into the docket on Ecourts.

S/Thomas F Brogan

Hon. Thomas F. Brogan, Presiding J.S.C.

I hereby consent to the entry of the within Order:

DESHA JACKSON, ESQ.
Desha Jackson Law Group, LLC.
/s/ Desha Jackson
Dated: June 10, 2020

CHARLES A. YUEN, ESQ.
Scarinci & Hollenbeck, LLC
Attorneys for Defendants
/s/ Charles A. Yuen
Dated: June 10, 2020

EXHIBIT H

CHARLES A. YUEN, ESQ. (007171993)
SCARINCI & HOLLENBECK, LLC
1100 VALLEY BROOK AVENUE
P.O. BOX 790
LYNDHURST, NEW JERSEY 07071-0790
Telephone: (201) 896-7033
Attorneys for Defendant Paterson Board of Education
Our File No.: 011137.02100

LEKEYSHA ALSTON-PAGE

Plaintiff,

v.

STATE OPERATED SCHOOL DISTRICT
FOR THE CITY OF PATERSON, and
MONICA FLOREZ,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – PASSAIC COUNTY
DOCKET NO.: PAS-L-0001820-19
Civil Action

**CONSENT ORDER EXTENDING TIME
FOR DISCOVERY**

THIS MATTER having come before the Court on the consent application of counsel for all parties, for a Consent Order extending the discovery period; and good cause having been shown;

WHEREAS the original discovery end date is July 18, 2020 and there has been one extension to October 16, 2020; and

WHEREAS the Supreme Court has issued pertinent Omnibus Orders pertaining to discovery and discovery end dates in light of COVID-19; and

WHEREAS in light of COVID-19 and other considerations the parties have consented to the extension of the discovery end date in this matter by ninety (90) days.

IT IS on this 19 day of October, 2020

~~ORDERED that the discovery end date in this matter shall be extended by a period of~~
~~ninety (90) days until January 14, 2021, and~~

IT IS FURTHER ORDERED that this Order shall be considered served on the parties upon its entry into the docket on Ecourts.

/S/ Thomas F. Brogan
Hon. Thomas F. Brogan, Presiding J.S.C.

I hereby consent to the entry of the within Order:

DESHA JACKSON, ESQ.
Desha Jackson Law Group, LLC.
/s/ Desha Jackson
Dated: October 12, 2020

CHARLES A. YUEN, ESQ.
Scarinci & Hollenbeck, LLC
Attorneys for Defendants
/s/ Charles A. Yuen
Dated: October 12, 2020

application denied. Form of order non-compliant with R 4:24-1c. You need to set forth all the discovery events and the scheduled date for them

EXHIBIT I

CHARLES A. YUEN, ESQ. (007171993)
SCARINCI & HOLLENBECK, LLC
1100 VALLEY BROOK AVENUE
P.O. BOX 790
LYNDHURST, NEW JERSEY 07071-0790
Telephone: (201) 896-7033
Attorneys for Defendant Paterson Board of Education
Our File No.: 011137.02100

LEKEYSHA ALSTON-PAGE

Plaintiff,

v.

STATE OPERATED SCHOOL DISTRICT
FOR THE CITY OF PATERSON, and
MONICA FLOREZ,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – PASSAIC COUNTY
DOCKET NO.: PAS-L-0001820-19
Civil Action

ORDER

THIS MATTER having come before the Court on the motion by the defendants for summary judgment; and good cause having been shown;

IT IS on this 23 day of Feb, 2021

ORDERED as follows:

1. Defendants' motion for summary judgment is ~~granted~~ ^{denied} and ~~denied~~
2. ~~Plaintiff's complaint is dismissed with prejudice.~~

IT IS FURTHER ORDERED that this Order shall be considered served on all parties upon its entry into the docket on Ecourts.

/S/ Thomas F. Brogan
Hon. Thomas F. Brogan, P.J.S.C.

x Opposed

Unopposed

.Motion denied for the reasons set forth on the record 2/23/21

EXHIBIT J

CHARLES A. YUEN, ESQ. (007171993)
CHARLES ALLEN YUEN LLC
(MAIL): 300 MAIN STREET
SUITE 21 PMB650
MADISON, NJ 07940
Tel: 862-350-4244
Attorneys for Defendants

LEKEYSHA ALSTON-PAGE

Plaintiff,

v.

STATE OPERATED SCHOOL DISTRICT
FOR THE CITY OF PATERSON, and
MONICA FLOREZ,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – PASSAIC COUNTY
DOCKET NO.: PAS-L-0001820-19
Civil Action

**CONSENT CASE MANAGEMENT
ORDER**

THIS MATTER having come before the Court on the consent application of counsel for all parties, for a Case Management Order; and good cause having been shown;

WHEREAS the original discovery end date was July 18, 2020 and there was only one extension to October 16, 2020; and

WHEREAS the Supreme Court has issued pertinent Omnibus Orders pertaining to discovery and discovery end dates in light of COVID-19; and

WHEREAS the parties submitted a consent order extending the discovery end date which the Court denied on October 19, 2020 because the consent order failed to meet the requirements of *R. 4:24-1c*; and

WHEREAS the parties in response submitted a proposed case management order which the Court did not thereafter act upon; and

WHEREAS a trial date was set for April 5, 2021; and

WHEREAS the Court, after denying summary judgment at a hearing on February 23, 2021, discussed how the parties could agree and submit another proposed case management order to address the trial date and additional discovery in this matter; and

WHEREAS the parties have in response met and conferred and have agreed to submit this new consent case management order in light of the need for further discovery in this matter.

IT IS on this 12 day of April, 2021 ORDERED that

Party fact discovery in this matter shall end on April 26, 2021; and

Plaintiff's expert reports are due on May 3, 2021; and

The parties shall notify each other of their retained expert witness' availability for a specific day of remote deposition by May 10, 2021; and

Defendants' expert reports are due on May 17, 2021; and

The discovery end date is May 31, 2021; and

The trial date set for April 5, 2021 is adjourned in light of the public emergency caused by Covid-19.

IT IS FURTHER ORDERED that this Order shall be considered served on the parties upon its entry into the docket on Ecourts.

/S/ Thomas F. Brogan

Hon. Thomas F. Brogan, Presiding J.S.C.

I hereby consent to the entry of the within Order:

DESHA JACKSON, ESQ.

Desha Jackson Law Group, LLC.

/s/ Desha Jackson Dated: March 17, 2021

trial date is 6/8/21. Further extensions unlikely

CHARLES A. YUEN, ESQ.

Charles Allen Yuen, LLC

Attorneys for Defendants

/s/ Charles A. Yuen Dated: March 17, 2021



Charles Allen Yuen LLC

Law Firm

Short Hills, New Jersey

Charles A. Yuen
Member

cyuen@cyuen-law.com
Phone: 862.350.4244

February 16, 2021

By ECourts

Hon. Thomas F. Brogan, P.J.S.C.
Passaic County Courthouse
77 Hamilton Street
Paterson, NJ 07505

Re: Alston-Page v. State-Operated School District for the City of Paterson
Docket No. PAS-L-1820-19
Consent Case Management Order

Dear Judge Brogan:

This matter has a current trial date set for April 5, 2021 and the Court denied summary judgment on February 23, 2021. During the hearing the Court provided comments regarding a case management order the parties could submit for the Court's consideration, including reference to the trial date and allowing further limited discovery. Attached please find such an agreed form of case management order for the Court's consideration.

Thank you for the Court's consideration of this request.

Respectfully,
/s/ Charles A. Yuen

cc: All counsel of record (by ECourts)